

**IN THE UNITED STATES DISTRICT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804

Case No. 17-d-2804

This document relates to:

Hon. Dan Aaron Polster

Track One B Cases

IN LIMINE EVIDENTIARY STIPULATIONS

Plaintiffs, the Cuyahoga and Summit County Governments, and the Pharmacy Defendants in the Track One B trial hereby stipulate and agree that neither party, their counsel, nor their witnesses shall offer evidence or argument of the following in the presence of the jury:

1. Any reference to the parties' or counsels' use of jury consultants or mock juries or related trial resources;
2. Any comment or inference that bolsters the unchallenged character (*e.g.*, honest) or traits (*e.g.*, generous) of any party's current or former employees, managers, consultants, witnesses, experts, agents, or fiduciaries preemptively (*e.g.*, "*Do you know Mr. X? Yes, he is a good person of impeccable integrity.*");
3. Any reference to any party possessing or maintaining liability insurance, to the coverage limits of any such insurance, or the possibility that this litigation might cause an increase in the cost of purchasing or maintaining such insurance;
4. Any reference to or mention of any settlement demands, offers, or negotiations between plaintiffs and any defendant participating in the trial;

5. Any reference to or mention of the refusal of a party to enter into a stipulation prior to or during trial or any request in the presence of the jury for a new stipulation or revision to an existing stipulation;

6. Any reference to the religious views of any witnesses in an attempt to attack or support the witness's credibility.

7. Any reference to jurors' self-interest in the outcome of the litigation based on the jurors' status as taxpayers.

8. Any references to any counsel's other current or former (a) clients (by name or by type) or how they obtained them or may obtain future clients, (b) legal and other work, (c) specialization or practice experience, or (d) financial status or resources. This includes counsel's law firms and staff members.

9. Any reference to personal matters of an expert or the expert's family, such as divorce proceedings, that have no bearing on the witness's qualifications, opinions, or credibility.

Dated: August 14, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/Peter H. Weinberger
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